

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

UNITED STATES OF AMERICA,	}	
<i>Plaintiff-Respondent</i>	}	
	}	
v.	}	CRIMINAL ACTION NO. H-92-137-10
	}	CIVIL ACTION NO. H-05-46
CARMENZA GUZMAN VARON,	}	
<i>Defendant-Petitioner</i>	}	

**MEMORANDUM AND ORDER**

Presently before the Court are Petitioner Carmenza Guzman-Varon's Motion to Vacate, Set Aside or Correct Sentence filed pursuant to 28 U.S.C. § 2255 (Doc. 2094), the United States' Answer and Motion to Dismiss (Doc. 2097), Petitioner's Response to the Government's Motion to Dismiss (Doc. 2118), and the Magistrate Judge's Memorandum and Recommendation Granting Respondent's Motion to Dismiss and Denying Movant's § 2255 Motion to Vacate, Set Aside, or Correct Sentence (Doc. 2122).

After carefully considering the record and the applicable law, the Court **GRANTS** the Government's Motion to Dismiss (Doc. 2097), and **DENIES** Petitioner's Motion to Vacate, Set Aside or Correct Sentence filed pursuant to 28 U.S.C. § 2255 (Doc. 2094). Accordingly, this habeas action is **DISMISSED WITH PREJUDICE**. The Court **ADOPTS** the Magistrate Judge's Memorandum and Recommendation (Doc. 2122) in full.

SIGNED at Houston, Texas this 5<sup>th</sup> day of December, 2006.

  
MELINDA HARMON  
UNITED STATES DISTRICT JUDGE